

The Senate advises and consents to the appointment of Walter Acker, Edwin Hobby and W. E. Collard to be Commissioners of Appeals.

Ben E. McCullough to be Superintendent of the House of Correction and Reformatory.

Also the following notaries public:

[For a complete corrected list of the Notaries Public, see Appendix.]

On motion of Senator Burney,  
The Senate adjourned till 10 o'clock to-morrow morning.

### SIXTY-NINTH DAY.

SENATE CHAMBER,  
AUSTIN, April 3, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has passed

Senate bill No. 20, a bill to be entitled "An act to amend section 26 of an act, entitled an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with said act,"

And

Senate bill 374, a bill to be entitled "An act to amend article 1054, chapter 2, title 15, of the Code of Criminal Procedure, as amended by an act of the Twentieth Legislature, approved April 7, 1887."

And

Senate bill No. 26, a bill to be entitled "An act to authorize counties to fund their indebtedness, and to provide means to pay the same," with House amendments.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has adopted the accompanying concurrent resolution about placing the portraits and pictures of the State in the State Library.

W. M. IMBODEN,  
Chief Clerk House of Representatives

### REPORTS OF STANDING COMMITTEES.

By Senator Jarvis.

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Finance, to whom was referred

House Concurrent Resolution requesting the Senators and Representatives of Texas in the Federal Congress to secure to certain citizens of Brenham, Texas, payment for property destroyed on the 7th day of September, 1866, by the United States military then stationed there.

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JARVIS.  
Chairman.

Bill read first time.

By Senator Burges:

COMMITTEE ROOM,  
AUSTIN, April 2, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Public Lands, to whom was referred

House bill No. 504, entitled "An act to authorize the Commissioner of the General Land Office in certain cases to change the numbers of surveys made by virtue of alternate land certificates,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURGES,  
Chairman.

Bill read first time yesterday.

By Senator Seale:

COMMITTEE ROOM,  
AUSTIN, April 2, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Agriculture, Insurance, Statistics and History, to whom was referred

House bill No. 500, entitled "An act to authorize the Commissioner of Agriculture, Statistics and History to sell certain weights and measures,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

SEALE,  
Chairman.

Bill read first time.

By Senator McDonald:

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred

House bill No. 669, entitled "An act to amend article 426, title 17, chapter 5 of the Revised Civil Statutes of Texas, and to validate levies and assessments of taxes made by cities for 1889,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

By Senator Upshaw:

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Internal Improvements, to whom was referred

House bill No 626, entitled "An act to amend article 4257 of the Revised Statutes, prescribing a maximum freight rate,"

Have had the same under consideration, and a majority of said committee instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

UPSHAW,  
Acting Chairman.

Bill read first time.

Senator Kimbrough gave notice of his intention to file a minority report on House bill No. 626.

After having publicly read their titles, the President gave notice of signing, and did sign in open session of the Senate.

House bill No. 607, "An act to amend the charter of the city of Galveston by amending sections 3, 46 and 55 thereof, and by adding thereto sections 75a, 75b and 75c."

House bill No. 377, "An act to amend article 421 of title 17 of chapter 4 of the Revised Civil Statutes of the State of Texas."

House bill No. 520, "An act to amend an act to give the assent of the State of Texas for the purpose of a grant of money authorized and appropriated by an act of the Congress of the United States, approved March 2, A. D. 1887, and entitled an act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, A. D. 1862, and of the acts supplement thereto."

Senate bill No. 380, "An act to validate the incorporation of the city of Henrietta, Texas, under the provisions of title XVII (17), chapter 1, of the Revised Statutes of the State of Texas."

Substitute Senate bills Nos. 50 and 52, "An act to provide for giving notice of attachments levied upon real estate."

Senate bill No. 291, "An act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in this State, and to repeal an act approved April 2, 1887, entitled an act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in this State, and provid-

ing penalties for the violation of the same."

Senate bill No. 256, "An act to provide for the admission from other States of companies or associations, carrying on the business of life or casualty insurance, on the assessment or natural premium plan."

House bill No. 19, "An act entitled an act to amend an act to amend section 71, of chapter 132 of an act passed at the regular session of the Twentieth Legislature, approved April 2, 1887, passed at the special session of the Twentieth Legislature, approved May 14, 1888."

House bill No. 445, a bill to be entitled "An act to repeal section 4, article 730, chapter 7, title 8, of the Criminal Procedure of the State of Texas, in relation to persons competent to testify in criminal actions, and to permit the defendant in a criminal action to testify in his own behalf;"

And

House bill No. 560, "An act to diminish the civil jurisdiction of the county court of Travis county."

By leave,

Senator Davis sent up the following privileged reports:

COMMITTEE ROOM,  
AUSTIN, April 1, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 380, being "An act to validate the incorporation of the city of Henrietta, Texas, under the provisions of title XVII of the Revised Statutes, chapter 1,"

And find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 256, being "An act to provide for the admission from other States of companies or associations carrying on the business of life or casualty insurance on the assessment or natural premium plan,"

And find the same correctly enrolled, and have this day, at 11

o'clock a. m., presented the same to the Governor for his signature.

DAVIS,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared

Substitute Senate bills Nos. 50 and 52, being "An act to provide for giving notice of attachments levied upon real estate,"

And find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 291, being "An act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in this State, and to repeal an act approved April 2, 1887, entitled an act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in this State, and providing penalties for the violation of the same,"

And find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his signature.

DAVIS,  
Chairman.

By leave Senator Pope sent up the following committee report:

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your committee on Internal Improvements, to whom was referred

House substitute Senate Bill No. 18, entitled, "An act to authorize railroad companies in this State to provide separate coaches for white and colored passengers,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,  
Chairman.

Bill read first time.

By Senator Abercrombie:

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred

Substitute House bill No. 167, entitled "An act to provide for the inspection of refined oils, which are the product of petroleum, and which may be used for illuminating purposes within this State, and to regulate the sale and use thereof, and to provide penalties for violation of the same,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment, to-wit:

Amend section 9 by substituting after the words "to wit," in line 9, the following: "For less than one hundred gallons, one dollar; and for any quantity from hundred gallons, inclusive, and upward, one cent per gallon inspected, in single wagon tanks, in single casks or barrels or other packages, whether of wood, iron, tin or other material containing twenty-five gallons or more; and in cases containing two or more cans or vessels, two dollars and fifty cents for one hundred gallons or less, and one and one-half cents per gallon for all quantities inspected over and above one hundred gallons; this shall apply to all case oil used for illuminating purposes put up in cans of less than twenty-five gallons capacity."

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time with committee amendment.

#### BILLS ON THIRD READING.

House bill No. 336, a bill to be entitled "An act to amend chapter 15 of title 17 of the Penal Code of the State of Texas, by the addition of articles 772a, 772b, 772c and 772d,"

Was laid before the Senate, read the third time and passed.

House bill No. 280, a bill to be entitled "An act to create articles 216a and 216b, of title 4, chapter 2, of the Code of Criminal Procedure of the State of Texas,"

Was laid before the Senate, read the third time and passed.

House bill No. 396, a bill to be entitled "An act to amend article 4520, title 91, chapter 1, of the Revised Civil Code of the State of Texas,"

Was laid before the Senate, read the third time and passed.

Substitute House bill No. 40, a bill to be entitled "An act to amend sections 5, 8, 11, 13, 14, 15 and 22, chapter 99, of an act entitled an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University and the several asylums, and the lease of such lands and of the public lands of the State and to prevent the free use, occupancy, unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887,"

Was laid before the Senate on its third reading, with the following committee amendments:

Amend section 11 by striking out the word "ten" in line 12, page 3 and inserting the word "fifty."

Amend section 11, page 4, by inserting after the word "occurred" in line 4 the following: "Or if he shall fail to make the proof of occupancy within the time and in the manner prescribed by the regulations of the Commissioner of the General Land Office, as provided for in section nine (9) of this act, he shall in like manner forfeit the land and all payments thereon to the State."

Amend section 8, page 3, by inserting after the word "land" on the top line of said page the following: "And no more."

Amend section 13, page 4, line 18, after the word "timber," by striking out the word "or" and inserting the word "on"

Amend by adding the following to section 11:

"Provided, this section shall be printed on the back of the receipt."

The committee amendments were adopted.

Senator Stephens offered the following amendment:

Amend sections 5, 8, 11, 14, 15 and 22 as follows:

Section 5. When any portion of said

land has been classified to the satisfaction of the commissioners under the provisions of this act or former laws, such lands shall be subject to sale, but to actual settlers only, and in quantities of not less than one hundred and sixty acres and in multiples thereof, nor more than six hundred and forty acres; provided, that when there is more or less than six hundred and forty acres in any one section of land, such section, or one-fourth thereof, shall be sold by the acre; provided, further, that all lands classified as purely pasture lands, and without permanent water thereon, may be sold in quantities not to exceed four sections to the same settler, and in no event shall sale be made to a corporation, either foreign or domestic, and all sales to a settler shall be upon the express condition that any sale, transfer or conveyance of such land to a corporation, either immediate or remote, shall ipso facto terminate the title of the purchaser, and such land shall be forfeited to the State without re-entry, and become again a part of the particular fund to which it formerly belonged.

All public lands belonging to the public free schools, University, and the several asylum funds, classified as pasture lands, shall be sold at one dollar and fifty cents per acre. All sections of land having permanent water on, or bordering thereon, and classified as pasture land, shall be sold at two dollars per acre, and no less than the entire section shall be sold, except in case where a part thereof has been heretofore sold; in such cases all of the part remaining shall be sold.

The northeast and southwest quarter sections of each section of land classed as agricultural lands, shall be sold at one dollar and twenty-five cents per acre, and the northwest and southeast quarters of each section shall be sold at two dollars and fifty cents per acre, and each section shall, if sold all together, be sold at not less than one dollar and seventy-five cents per acre; provided, that any person purchasing the northeast or southwest quarter of any section of land shall not be permitted to purchase such other quarter section thereof. All timber lands shall be sold at not less than three dollars per acre. By timber lands as here used is meant lands valuable chiefly for the timber thereon.

Section 8. Any bona fide, actual settler who may reside on any part of the land, the sale of which is authorized by this amended act, at the time this

act may go into effect, shall have the right for a period of six months after the same shall have been appraised, to purchase such quantity of land as may be limited by this act to include his improvements upon complying with the provisions of this act regulating sales as in other cases; and such lands shall be appraised without reference to the improvements thereon; provided, that any bona fide settler who owns one section, and no more, shall have the right to purchase three dry and strictly pastoral sections upon his making oath that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is directly or indirectly interested in the purchase of the same; provided further, that any purchaser and actual settler upon any of the public free school, University and asylum lands, under any former law, who for any cause has failed to pay the principal and interest or either, due the State upon such land, on the first day of August, 1888, or any preceeding year, and by reason of such failure or default such purchaser's land has or may be forfeited to the State, such purchaser shall have the prior right for six months from the date this act takes effect to purchase his said land under the provisions of this amendment; and such purchaser shall in all other respects be governed by the same penalties, restrictions and requirements enjoined by this act upon other purchasers and actual settlers.

Section 9. All sales shall be made by the Commissioner of the General Land Office, or under his direction, and he shall prescribe suitable regulations whereby all purchasers shall be required to reside upon, as a home, the land purchased by them, for three consecutive years, next succeeding the date of their purchase. Such regulations shall require the purchaser to reside upon the land for the three consecutive years herein mentioned, and to make proper proof of such residence and occupancy to the Commissioner of the General Land Office within one year next after the expiration of said three years, by his affidavit, corroborated by the affidavits of three disinterested witnesses and credible citizens of the county, to be certified to by some officer of the county wherein the land is situated, and authorized to administer oaths; provided, that should such purchaser die, or become permanently insane before the expiration of three years from

the date of his settlement, his heirs or legal representatives shall have the right without further residence upon said land to purchase said land within twelve months from the date of such death or insanity as the deceased would have had under this act. Any person desiring to purchase land in accordance with the provisions of this act shall forward his application to the Commissioner of the General Land Office, particularly describing the land to be purchased, in all cases be accompanied with the affidavit of the applicant, in effect that he desires to purchase the land for a home, and that he will within three months from the date of such application settle in good faith thereon; and he shall also swear that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is interested in the purchase save himself. A copy of such application shall be filed with the surveyor of the county before the same is forwarded to the Commissioner of the General Land Office, and such land shall not be subject to penalty by any other person during the period of three months; provided, that should such applicant fail to settle upon said land within six months under his application, the same shall be subject to re-entry, by another, and such original applicant shall not be permitted to reapply therefor. The purchaser shall transmit to the Treasurer of the State one-fortieth of the aggregate purchase money for the particular tract of land, and send to the Commissioner at the same time his obligation to the State, duly executed, and binding the purchaser to pay to the State, on the first day of August of each year thereafter, until the whole purchase money is paid, one-fortieth of the aggregate price, with interest thereon from date, at the rate of five per cent per annum on the whole unpaid purchase money, which interest shall also be payable on the first day of August of each year; provided further, that such purchaser shall not forfeit said lands until the expiration of two years next after any payment, as hereinbefore provided shall become due. When the Treasurer shall receive one-fortieth of the purchase money, and the Commissioner shall receive the affidavit and obligation aforesaid, the sale shall be deemed and held effective; provided, that if the land applied for be timbered land, then the purchaser

shall be required to pay the full amount of the purchase money at the time of his purchase.

Section 11. If any purchaser shall fail to make his payment of the interest due on such obligation within two years next after the same becomes payable, as hereinbefore provided, the Commissioner of the General Land Office shall endorse on such obligation "land forfeited," and shall cause an entry to that effect to be made on the account kept with the purchaser, and thereupon said land shall be forfeited to the State, without judicial ascertainment, and shall revert to the particular fund to which it originally belonged, and be resold under the provisions of this act or of any future law; provided, that the purchaser shall not forfeit such land by his failure to pay the principal due on his obligation after the first payment of principal has been made; and if any purchaser shall die his heirs or legal representatives shall have two years in which to make payment—next after such death; and if any purchaser shall fail to reside upon and improve in good faith the land purchased by him, except in case of death, as hereinbefore provided, he shall forfeit said land and all payments made thereon to the State, and such land shall be again for sale, as if no such forfeiture had occurred; provided, that if the purchaser shall have paid one-fourth or more of his obligations for such land, he shall have the right to select the same proportion of such land so as to include his most valuable improvements, and the Commissioner of the General Land Office shall issue a patent to him for the land so selected. And provided further, that nothing in this section contained shall be construed to inhibit the State from instituting such legal proceedings as may be necessary to enforce such forfeiture; or to protect any other right to such land, which suits may be instituted by the Attorney General, under the direction of the Governor in the proper court of the county in which the land lies, or in the district court of Travis county, and jurisdiction of such cases is hereby expressly conferred on said courts.

Section 14. All lands belonging to the public free schools, asylums or University funds, classed as grazing lands, shall be leased by the Commissioner of the General Land Office in accordance with the provisions of this act. Such leases shall be for a term of not more than five years, and the lessee shall pay an annual rental of

three cents per acre for all pasture lands leased, which rental shall be paid each year in advance, the first payment to be made at the time the lease is executed; and if, at the termination of the lease, such land is still subject to lease, the lessee or lessees thereof whose terms of lease is expired shall have the refusal of such land as he has been leasing on the terms and at the price that may be fixed therefor by the Commissioner of the General Land Office. All leases shall be executed under the hand and seal of the Commissioner of the General Land Office, and shall be delivered to the lessee or his duly authorized agent, and such lease shall not take effect until the first annual rent is paid and the lease is duly filed for record in the county where the land lies, or to which it may be attached for judicial purposes, and it shall not be necessary for the Commissioner to acknowledge such lease before the same is placed on record.

Section 15. Any person desiring to lease any portion of the lands belonging to the several school funds mentioned in this act, classed as grazing lands, shall make application in writing to the Commissioner of the General Land office, specifying and describing the particular lands he desires to lease; and thereupon the Commissioner, if satisfied that the lands applied for are not in immediate demand for the purpose of actual settlement, and that such lands can be leased without detriment to the public interest, shall notify the applicant in writing that his proposition to lease is accepted; and thereupon he shall execute and deliver to the lessee, and in the name and by the authority of the State, a lease of said land for such term as may be agreed upon, and to deliver the same to such lessee, when satisfied that the lessee has paid to the Treasurer of the State the rent for one year in advance. No lands classified as grazing lands and leased under this act, shall be subject to sale during the existence of such lease, and the possession thereof by the lessee shall not be disturbed during the term of such lease, so long as the rents are paid promptly in advance each year, as required by this act.

Section 22. The commissioner shall withhold from lease all lands classed as agricultural lands, and such lands shall be held for settlement and sold to actual settlers only, under the provisions of this act as amended; and all sections or fractions of sections in all

counties organized prior to the first day of January, 1875, except El Paso, Pecos and Presidio counties, which sections are detached and isolated from other public lands, may be sold to any purchaser, except to a corporation, at not less than two dollars per acre, on such terms as the commissioner of the general land office may prescribe.

Whereas, the existing law providing for the sale and lease of school and other public lands, is preventing the sale of such lands, and depriving the public schools the funds that should be derived therefrom, and retarding and preventing the settlement of the counties in which such lands are situated; therefore, an imperative public necessity exists for the immediate passage of this bill, and that it take effect from its passage.

Senator Stephens' amendment was lost and the bill passed to its third reading.

On motion of Senator McDonald, the vote by which the bill passed to its third reading was reconsidered.

Senator McDonald moved to

Amend by adding: "The near approach of the close of the present session of the Legislature rendering it impracticable to read the bills on three several days, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, said rule is hereby suspended."

On motion of Senator McDonald,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

The amendment was adopted and the bill passed to its third reading.

YEAS—25.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Davis,	Simkins,
Feld,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward,
Jarvis,	

NAYS—None.

ABSENT—5.

Burges

Pope,



Burney,  
Harrison,

Townsend,

The bill as amended was read the third time and passed.

House bill No. 453, a bill to be entitled "An act to create and establish boards of health in the unincorporated towns and villages of Texas,"

Was laid before the Senate, read the third time and passed.

Substitute House bill No. 471, a bill to be entitled "An act to validate certain notarial acts in the State of Texas,"

Was laid before the Senate, read the third time, and

Passed by the following vote:

YEAS—28.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Seale,
Cranford,	Simkins,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—None.

ABSENT—2.

Davis,

Harrison.

Senate bill No. 26, a bill to be entitled "An act to authorize counties to fund their indebtedness and to provide means to pay the same,"

Was laid before the Senate, with House amendments.

On motion of Senator Stephens,

The Senate concurred in the House amendments.

Senator Maetze entered a motion to re-consider the vote by which the Senate rejected committee amendment No. 85a to Substitute House bill No. 360, the general appropriation bill.

House bill No. 445, a bill to be entitled "An act to repeal section 4, article 730, chapter 7, title 8, of the Criminal Procedure of the State of Texas, in relation to persons competent to testify in criminal actions, and to permit the defendant in a criminal action to testify in his own behalf."

Was laid before the Senate, read the third time and

Passed by the following vote:

YEAS—19.

Abercrombie,	Maetze,
Allen,	Morris,
Armistead,	Pope,
Atlee,	Simkins,
Burges,	Sims,
Davis,	Stephens,
Glasscock,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.
Kimbrough,	

NAYS—8.

Claiborne,	Frank,
Cranford,	Lane,
Field,	McDonald,
Finley,	Seale.

ABSENT—3.

Burney, Townsend.  
Harrison,

Senator Kimbrough moved to reconsider the vote just taken and to lay that motion on the table.

The motion to reconsider was tabled.

Senator Lane sent up his reasons for voting against the bill, to-wit:

I vote against the passage of House bill No. 445, which seeks to permit persons charged with crime to testify in their own cause, for the following reasons, viz:

First. Because I believe the law as it now exists, is better adapted to meet the ends of justice in such cases than the new and revolutionary measure now proposed in this bill.

Second. Because I am opposed to making such radical changes as this bill proposes in old and well established rules of law, against which no good objection has been or can be urged.

Third. Because I am opposed to making changes in our criminal laws in such important matters, simply and only for the purpose of attempting to show that we of this day and age are progressing in wisdom and enlightenment far beyond the able and learned lawyers, jurists and legislators who have gone before us, and I do not regard the law which prevents such persons from testifying as a relic of barbarism, as it was declared to be on the floor of the Senate by the friends of this bill, but regard it as the result of long experience and close observation on the part of able and learned statesmen.

Fourth. Because I believe the effect of this bill will be to enable the sharp, educated, premeditated criminal to



escape punishment when really guilty, and to result in the conviction of nearly every man charged with crime, whether guilty or not, who is so unfortunate as to be either ignorant or timid and believe it is a measure in the interest of the hardened, accomplished and skilled criminals, and against their unfortunate victims.

Fifth. Because I believe the effect of such a law will be to help to convict nine-tenths of the people charged with crime, whether guilty or not guilty, whether they testify or not.

Sixth. Because, if the defendant offers himself as a witness upon cross-examination, he will be or may be required to give evidence against himself.

For the above and many other reasons I vote "no."

LANE.

Senator Tyler withdrew his motion entered to reconsider the vote adopting the free conference committee report on

House bill No. 84, being "An act to amend section 3 of an act entitled an act to amend articles 4662, 4664 and 4665, chapter 1, title 95 of the Revised Civil Statutes, as amended March 24, 1881, approved May 4, 1882,"

Senator Abercrombie entered a motion to reconsider the vote by which the committee amendment to House bill No. 516 was rejected.

Senator Finley entered a motion to reconsider the vote by which House bill, No. 516, passed to its third reading.

House bill No. 618, a bill to be entitled "An act authorizing the recording of transcript from the records of justices' courts as deeds are now recorded, when said transcripts are evidence of title to land,"

Was laid before the Senate, read the third time and passed.

Substitute House bill No. 360, entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1889, and ending February 28, 1891, and for other purposes,"

Was laid before the Senate and read the third time.

Senator Maetze moved to reconsider the vote by which the bill passed to its third reading.

The motion to reconsider was lost.

Senator Armistead moved to, under head of judiciary,

Amend by inserting the following:

"For publishing the twenty-seventh Court of Appeals reports, under old law, \$4,700. For publishing seventy-

first Supreme Court reports, under old law, \$1,500."

(Senator McDonald, President pro tem, in the chair.)

The amendment was adopted by the following vote:

YEAS—27,

Abercrombie,	Lane,
Allen,	Maetze,
Armistead,	McDonald,
Atlee,	Morris,
Burges,	Pope,
Burney,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—1.

Claiborne.

ABSENT—2.

Harrison, Kimbrough,

The bill passed by the following vote:

YEAS—27.

Abercrombie,	Lane,
Allen,	Maetze,
Armistead,	McDonald,
Atlee,	Morris,
Burges,	Pope,
Burney,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Glasscock,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—2.

Claiborne, Kimbrough.

ABSENT—1.

Harrison.

Senator McDonald moved to reconsider the vote just taken, and to lay that motion on the table.

The motion to reconsider was tabled.

Senator Claiborne sent up his reasons for voting against the bill, to-wit:

*Hon. T. B. Wheeler, President of the Senate:*

I vote "no" on the General Appropriation bill for the following reasons:

It seeks to and does increase the general expenses of the State Government in its every branch, while the condition of our State to-day (and in a large portion for the past four years) does not warrant the extravagance. The departments asked for more purely clerical labor than is required—"real or speculative." I find the pay of the clerical force employed average about twenty-five per cent more than individual firms and corporations pay for like service. While I do not seriously object to salaries paid I do object to the small amount of labor performed and hours employed per day. Individuals, firms and corporations paying a less rate of wages exact double the amount of labor. A largely less number can perform the work and vastly more satisfactory to both themselves, the heads of the departments and the people. An examination of the statement will show that the State pays \$269,500 more per annum than the public weal requires.

Again I find the extravagance in the asylums is a shame, and amounts to iniquity—with one single exception, at Austin, the blind asylum. And that even, can be cut at least ten per cent without injury. By taking the reports and finding average daily attendance, and then find annual appropriation, you have the cost per capita, and for economic reasons, you will find it cheaper to board the inmates at some good hotel. Nor can I see any good reason why a lunatic in the Texas asylum for lunacy at Austin should cost more than those at Terrell. Nor can I see why people employed for the same positions should have different pay.

The appropriation for the State penitentiaries is extravagant. Cunningham & Ellis paid the State an average of twenty-one thousand dollars per annum. The institutions now ask the State for (and have gotten) many thousands, and the system pursued is in direct conflict with the platform of the Democratic party.

In addition to the foregoing reasons given two years ago I find upon examination that the State is feeding and lodging without any warrant in the law—organic or statutory—nearly three hundred persons, amounting to nearly seventy thousand dollars per annum, at low figures. I find appropriated five hundred dollars each to several heads of departments for hauling expenses, items never before on the appropriation bill of Texas, and items never seen in the appropriations of any other State—space will not per-

mit the pointing out of other extravagance—but the bill is approved by a majority of a Democratic Legislature, and the party must answer as a whole to the people who pay the taxes. Believing it wrong, though in a hopeless minority, I simply desire, in the name of the people I represent, to file this my earnest protest, and continue shall do so as long as I have the right so to do.

The bill seeks to and does appropriate a loan, a matter not germane to the bill.

It seeks to and does appropriate money to pay for a mistake of the presidential electors—men not authorized to create a debt against the State.

It seeks to and does appropriate \$10,320, the substance entire of a bill defeated, after a fair and free consideration, in the other branch of this body.

For these and sundry other reasons looking toward the success of the State administration, I am in duty bound to vote "no."

The University of Texas, as it has been conducted, is the most extravagant, and the cost for the education of a student is greater than any other similar institution in the world, and there can be no success unless business ability is developed to a greater extent than has heretofore characterized the management.

JNO. M. CLAIBORNE,  
Senator Tenth district.

By leave,  
Senator McDonald sent up the following committee report:

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:.*

Your Judiciary Committee No. 1, to whom was referred

House bill No. 675, entitled "An act to restore the civil and criminal jurisdiction of the county court of Comal county, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,  
Chairman.

Bill read first time.

Senator Cranford sent up the following privileged report:

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 131, being "An act to authorize the State Superintendent of Public Instruction to issue certificates of qualification and teachers' diplomas to teachers in the public free schools, and to make valid diplomas from the Peabody Normal College, Nashville, Tenn.

And find the same correctly engrossed.

CRANFORD,  
Chairman.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has passed the following bills:

Substitute Senate bill No. 58, a bill to be entitled "An act to amend sections 1 and 2 of an act entitled an act to provide annual pensions for the surviving indigent volunteers of the Texas revolution, and the indigent surviving signers of the Declaration of Independance, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws and parts of laws in conflict therewith, passed by the Nineteenth Legislature," with House amendments.

And

House bill No. 540, a bill to be entitled "An act to require railroad companies to construct and keep in repair crossings over their roads within enclosures, and also over the road wherever it has been or may hereafter be constructed between the residence and the farm, pasture or timber of lands of any citizen.

And,

Senate bill No. 120, a bill to be entitled "An act to amend chapter 83 of the general laws, articles 339 and 341 of Texas, approved, March 29th, 1887, chapter 4, title 10 of the Penal Code of the State of Texas and by adding thereto articles 341a and 341b,"

W. M. IMBODEN,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has refused to concur in the Senate amendments to

Substitute House bill No. 360, the general appropriation bill,

And asks for a free conference committee on the bill.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

Senator Kimbrough moved that the Senate insist on its amendments.

Adopted.

On the part of the Senate, the President appointed Senators Jarvis, Armistead, Burney, Burges, Abercrombie, Lane, Field, Frank, Tyler and Simkins on the free conference committee just asked by the House.

House bill No. 516, a bill to be entitled "An act to amend an act entitled an act to provide for the separation or partition of adjoining fences and to provide a penalty for the violation of the provisions of this act, passed by the Twentieth Legislature of the State of Texas, approved March 17, 1887,"

Was laid before the Senate and read the third time.

Senator Kimbrough called up Senator Finley's motion to reconsider the vote by which the bill passed to its third reading.

On motion of Senator Allen the motion to reconsider was tabled.

The bill passed by the following vote:

YEAS—23.

Allen,	Kimbrough,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Upshaw,
Ingram,	Woodward,
Jarvis,	

NAYS—5.

Abercrombie,	Lane,
Burney,	Sauls,
Finley,	

ABSENT—2.

Harrison,	Tyler,
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On motion of Senator Maetz e  
House bill No. 627, a bill to be entitled "An act to establish and prescribe maximum rates of freight allowed to be charged and collected by the railroad companies of this State for transportation on cotton in bale, and prescribing a penalty for the violation of its provisions,"

Was laid before the Senate and read the second time with a minority (favorable) and majority (unfavorable) report.

Senator Field moved to substitute the minority for the majority.

Senator Finley made the point of order that neither the bill nor the motion to substitute the minority for the majority report could be entertained by the Senate, for the reason that a bill containing the same substance had already been killed by the House, and that the constitution therefore prohibited the Legislature from passing this bill into a law during the same session.

The President held that, this being a constitutional question, the point of order will not lie, it is a question which must be decided by the Senate, and not by the presiding officer.

The motion to substitute the minority for the majority report was lost by the following vote:

YEAS—12.

Armistead,	Glasscock,
Burges,	Kimbrough,
Burney,	Lane,
Claiborne,	Maetze,
Field,	Townsend,
Frank,	Tyler.

NAYS—16.

Allen,	Morris,
Atlee,	Pope,
Cranford,	Seale,
Davis,	Simkins.
Finley,	Sims,
Ingram,	Stephens,
Jarvis,	Upshaw,
McDonald,	Woodward.

ABSENT—2.

Abercrombie Harrison.

Senator Pope moved to adopt the majority (unfavorable) report.

The report was adopted by the following vote:

YEAS—17.

Allen,	Morris,
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Atlee,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Finley,	Sims,
Harrison,	Stephens,
Ingram,	Upshaw,
Jarvis,	Woodward.
McDonald,	

NAYS—11.

Armistead,	Glasscock,
Burges,	Kimbrough,
Burney,	Lane,
Claiborne,	Maetze,
Field,	Townsend.
Frank,	

ABSENT—2.

Abercrombie, Tyler.

Senator Finley sent up his reasons for voting against substituting the minority for the majority report, viz:

On the motion to substitute the minority report for the majority report, I vote "no" for the reason stated in the point of order, and for the additional reason that to reduce freights on one product or article of commerce by legislation and leave the roads free to charge what they please on other products and articles of commerce would, I believe, cause freights to be raised on other articles and would be legislation in favor of one to the detriment of others, and therefore unjust.

For the same reasons I vote "yea" on the motion to adopt the majority report.

FINLEY.

On motion of Senator McDonald, Substitute House bill No. 17, a bill to be entitled "An act to amend chapter 3, title 93, of the Revised Statutes of Texas, by adding thereto another section, to be denominated article 4579a,"

Was taken up out of its regular order and read the second time.

Senator McDonald moved to Amend by adding

"Section 2. The near approach of the end of the present session of the Legislature, rendering it impracticable to read this bill on three several days, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended."

Adopted.

Senator Stephens moved to

Amend by adding:

"Provided that nothing contained herein shall prevent the advertising

of estrays in county papers as now required by law."

Adopted.

Senator Pope moved to "Amend so as to restrict the advertisements of estrays to Mexican burros."

On motion of Senator McDonald, the amendment was tabled by the following vote:

YEAS—28.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Seale,
Davis,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—1.

Finley.

ABSENT—1.

Cranford.

On motion of Senator Kimbrough further consideration of the bill was postponed till the fourth day of July, 1889,

By the following vote:

YEAS—18.

Allen,	Jarvis,
Armistead,	Kimbrough,
Burges,	Maetze,
Burney,	Morris,
Claiborne,	Pope,
Davis,	Townsend,
Finley,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.

NAYS—11.

Abercrombie,	McDonald,
Atlee,	Seale,
Field,	Simkins.
Frank,	Sims,
Glasscock,	Stephens,
Lane,	

ABSENT—1.

Cranford.

Senator Claiborne sent up the following minority report:

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

The undersigned, a minority of your Committee on Internal Improvements, most respectfully beg leave to dissent from the majority in their report on House bill No. 626, (the Moody rate bill) for the simple reason that we believe it is demanded by the people engaged in agriculture in this State, and because legislation regulating railroads in their charges was promised in the platform of the Democratic parties, and because we fear the result to the party at the next general election.

We believe that if the Legislature adjourns without a compliance with the demands of the great mass of the Democratic farmers of Texas, that it will prove detrimental.

We believe the bill just in every particular and ask that the minority report be adopted.

CLAIBORNE,  
KIMBROUGH.

After having publicly read their captions, the President gave notice of signing, and did sign, in open session of the Senate,

House bill No. 390, "An act to amend articles 4742 and 4743 of the Revised Statutes of the State of Texas and to add thereto another article, to be known as article 4743a."

House bill No. 154, "An act to confer upon the owner or keeper of any stallion, jack or bull a lien on the progeny thereof;"

And,

House substitute for Senate bill No. 364, a bill to be entitled "An act to amend section 2 and 4 of an act entitled an act to amend articles 8 and 14 of an act entitled an act to redistrict the State into judicial districts and to fix the time of holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 19, 1883, to create the Fortieth judicial district of the State of Texas, fix the times for holding court therein and provide for the appointment of a district judge for said district, approved March 27, 1883."

On motion of Senator Morris,

House bill No. 515, a bill to be entitled "An act to amend article 3249 of chapter 2, and articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327 and 3329 of chapter 4, (Militia law,) Re-

vised Statutes of the State of Texas, and to repeal articles 3319, 3320, 3321, 3322, 3323, 3324, 3325 and 3326, chapter 4, of said militia laws."

Was laid before the Senate, and read the second time, and passed to its third reading.

On motion of Senator Claiborne,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—26.

Abercrombie,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Seale,
Davis,	Simkins,
Finley,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Ingram,	Tyler,
Jarvis,	Upshaw,
Kimbrough,	Woodward.

NAYS—None.

The bill was read the third time, and

Passed by the following vote:

YEAS—26.

Abercrombie,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Seale,
Field,	Simkins,
Finley,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Ingram,	Tyler,
Jarvis,	Upshaw,
Kimbrough,	Woodward.

NAYS—None.

ABSENT—4.

Allen,	Burney,
Burges,	Harrison.

The President referred House bill No. 540 to the Committee on Internal Improvements.

Senator Pope moved to suspend the constitutional rule to take up

Substitute House bill No. 167, a bill to be entitled "An act to provide for the inspection of refined oils, which are the product of petroleum, and which may be used

for illuminating purposes within the State, and to regulate the sale and use thereof, and to provide penalties for the violation of the same."

Senator Lane moved to take a recess till 3 o'clock p. m., and that this bill be the pending business at the afternoon session.

Senator Seale moved to adjourn till 10 o'clock to-morrow morning.

The President declared that the longer time had precedence.

The yeas and nays being called, The motion was lost by the following vote:

YEAS—9.

Atlee,	Pope,
Burges,	Seale,
Field,	Simkins,
Glasscock,	Townsend.
Morris,	

NAYS—19.

Abercrombie,	Jarvis,
Armistead,	Kimbrough,
Burney,	Lane,
Claiborne,	Maetze,
Cranford,	McDonald,
Davis,	Sims,
Finley,	Stephens,
Frank,	Tyler,
Harrison,	Woodward.
Ingram,	

ABSENT—2.

Allen,	Upshaw.
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Senator Pope moved to amend Senator's Lane's motion by inserting "3:30" for "3:00."

Accepted.

And the Senate took a recess to 3:30 p. m.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

On motion Senator Morris, Senator Seale was excused for the afternoon on account of sickness.

On motion of Senator Burney the Senate concurred in the House amendments to

Substitute Senate bill No 58, a bill to be entitled "An act to amend sections 1 and 2 of an act entitled an act to provide annual pensions for the sur-

viving indigent soldiers or indigent volunteers of the Texas revolution and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws and parts of laws in conflict therewith, passed by the Nineteen Legislature, by the following vote:

## YEAS—24.

Allen,	Jarvis,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Cranford,	Morris,
Davis,	Pope,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Ingram,	Upshaw,

NAYS—None.

## ABSENT—2.

Abercrombie,	Simkins,
Claiborne,	Woodward,
Harrison,	

After having publicly read the caption, the President gave notice of signing, and did sign, in open session of the Senate,

Substitute House bill No. 616, "An act to amend an act incorporating the city of San Antonio, approved August 18. A. D. 1870, and all acts amendatory thereto, to provide for the repeal of certain sections thereof, to add certain sections thereto, and to validate all amendments thereto and all acts thereunder.

The reference of House bill No. 515, to the Committee on Military Affairs was omitted from yesterday's Journal.

By request of Senator Burges,

The president relieved him from the free conference committee on the appropriation bill and appointed in his stead Senator Townsend.

Senate bill No. 131, a bill to be entitled "An act to authorize the State Superintendent of Public Instruction to issue certificates of qualification and teachers' diplomas to teachers in the public free schools, and to make valid diplomas from the Peabody Normal College, Nashville, Tennessee,"

Was laid before the Senate, read the third time, and passed.

Senator Kimbrough called up  
Substitute House bills Nos. 102, 147

and 424, a bill to be entitled "An act to authorize the several counties of this State to employ penitentiary convicts upon the public roads and bridges of the State."

The bill was laid before the Senate, read the second time, and failed to pass to its third reading by the following vote:

## YEAS—12.

Allen,	Kimbrough,
Armistead,	Maetze,
Cranford,	McDonald,
Finley,	Pope,
Glasscock,	Stephens,
Jarvis,	Tyler,

## NAYS—14.

Abercrombie,	Frank,
Atlee,	Ingram,
Burges,	Lane,
Burney,	Morris,
Claiborne,	Sims,
Davis,	Townsend,
Field,	Upshaw,

## ABSENT—3.

Harrison,	Woodward,
Simkins,	

Senator Frank moved to reconsider the vote by which the Senate passed

House bill No. 618, a bill to be entitled "An act authorizing the recording of transcript from the records of justices' courts as deeds are now recorded when said transcripts are evidence of title to land.

The vote was reconsidered and the bill passed

By the following vote:

## YEAS—25.

Abercrombie,	Ingram,
Allen,	Jarvis,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Pope,
Davis,	Sims,
Field,	Stephens,
Finley,	Tyler,
Frank,	Upshaw,
Glasscock,	

NAYS—None.

## ABSENT—4.

Harrison,	Townsend,
Simkins,	Woodward,



On motion of Senator Armistead, House bill No. 500, a bill to be entitled "An act to authorize the Commissioner of Agriculture, Insurance, Statistics and History, to sell certain weights and measures,"

Was laid before the Senate, read the second time and passed to the third reading.

On motion of Senator Armistead,

The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Jarvis,
Allen,	Kimbrough.
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw.
Ingram,	

NAYS—None.

ABSENT—4.

Glasscock,	Simkins,
Harrison,	Woodward.

The bill was read the third time, and

Passed by the following vote:

YEAS—25.

Abercrombie,	Jarvis,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw.
Ingram,	

NAYS—None.

ABSENT—4.

Glasscock,	Simkins,
Harrison,	Woodward.

Senator Finley moved to suspend the constitutional rule to place

House bill No. 669, a bill to be entitled "An act to amend article 426, title 17, chapter 5 of the Revised Civil Statutes of Texas, and to validate levies and assessments of taxes made by cities for 1889,"

On its second reading.

The motion was lost by the following vote:

YEAS—21.

Abercrombie,	Lane,
Allen,	McDonald,
Atlee,	Morris,
Burges,	Pope,
Burney,	Sims,
Cranford,	Stephens,
Davis,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—3.

Armistead,	Kimbrough.
Field,	

ABSENT—5.

Claiborne,	Maetze,
Glasscock,	Simkins.
Harrison,	

On motion of Senator Davis, House bill No. 633, a bill to be entitled "An act to amend article 975, title 24, of the Revised Civil Statutes," was laid before the Senate, read the second time and passed to its third reading.

On motion of Senator Davis,

The constitutional rule was suspended to place the bill on its third reading and final passage by the following vote:

YEAS—25.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—None.

ABSENT—4.

Claiborne,	Harrison,
Glasscock,	Simkins.

The bill was read the third time and

Passed by the following vote:

YEAS—24.

Abercrombie,	Kimbrough,
Allen,	Lane
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Pope,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler.
Frank,	Upshaw.
Jarvis,	Woodruff,

NAYS—None.

The President referred House bill No. 681, to the Committee on State Affairs.

On motion of Senator Woodward, Senate bill No 373, a bill to be entitled "An act to authorize Mrs. Sarah A. Nichols, widow of Aquilla J. Nichols, to sue the State of Texas in the district court of Travis county, Texas,"

Was laid before the Senate and read the second time with committee amendments.

(The President in the chair.)

The committee amendments were adopted and the bill was ordered engrossed.

On motion of Senator Townsend

Senate bill 185, a bill to be entitled. "An act to amend an act entitled an act to amend article 2411, chapter 4, title 42, of the Revised Civil Statutes of the State of Texas, approved March 31, 1885, was laid before the Senate and read the second time with a favorable committee report.

The bill was ordered engrossed.

The President referred House bill No. 452 to the Committee on Education, and

Substitute House bills Nos. 222 and 223 to the Committee on Internal Improvements.

On motion of Senator Sims,

Senate bill No. 203, a bill to be entitled "An act to amend article 2220, chapter 2, title 38, of the Revised Civil Statutes of the State of Texas, by adding thereto Articles 2220a, 2220b, 2220c, and 2220d, relating to notice of taking depositions in civil suits,"

Was laid before the Senate, read the second time, and ordered engrossed.

On motion of Senator Stephens,

Senate bill No. 367, a bill to be entitled "An act to amend article 2376,

chapter 1, title 42, of the Revised Civil Statutes of the State of Texas,"

Was laid before the Senate and read the second time, with a favorable committee report.

Senator Stephens moved to

Amend by adding to article 2376, to read as follows: "For answering depositions, twenty cents per hundred words."

Adopted.

Senator Stephens moved to

Amend by adding to section 2:

Section 2. Whereas, There is no law providing for a filing and other fees on school lands filed in the Land Office, and the importance of this act creates an emergency and an imperative public necessity exists which requires the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Stephens,

The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—26.

Abercrombie,	Jarvis,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Simkins,
Cranford,	Sims,
Davis,	Stephens,
Field,	Townsend,
Finley,	Tyler,
Frank,	Upshaw,
Ingram,	Woodward.

NAYS—None.

ABSENT—3.

Glasscock,  
Harrison,

Pope.

The bill was read the third time and

Passed by the following vote:

YEAS—22.

Abercrombie,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burney,	McDonald,

Claiborne,	Morris,
Davis,	Simkins,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—5.

Allen,	Pope,
Burges,	Sims.
Cranford,	

ABSENT—2.

Glasscock, Harrison.

On motion of Senator Kimbrough, Senate bill No. 387, a bill to be entitled "An act to amend title 15, chapter 3 of the Code of Criminal Procedure, by adding article 1077a thereto,"

Was laid before the Senate, read the second time and ordered engrossed.

Senator Frank called up Senator Allen's motion to reconsider the vote by which the Senate refused to pass to its third reading,

House bill No. 188, a bill to be entitled "An act amending title 95, chapter 4, Revised Statutes of the State of Texas."

The yeas and nays being called on the motion to reconsider, and, there being a tie vote,

The Chair voted "yea," and

The vote was reconsidered by the following vote:

YEAS—13.

Abercrombie,	Kimbrough,
Allen,	Lane,
Atlee,	Maetze,
Burney,	Sims,
Field,	Stephens,
Finley,	Townsend.
Frank,	

NAYS—13.

Armistead,	Morris,
Burges,	Pope,
Claiborne,	Simkins,
Davis,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.
McDonald,	

ABSENT—3.

Cranford, Harrison.  
Glasscock,

Senator Burney moved to Amend by striking out all of lines 7, 8, and 9 of section 1.  
Also the first word in line 10.

Adopted.  
Senator Simkins moved to Strike out all after the word "cost," in line 12, down to and including the word "reasonable," in line 13.

Adopted.

Senator Upshaw moved to Amend by striking out all after the word "recovery."

Senator Ingram moved to Amend by striking out the enacting clause.

Senator Townsend moved the previous question on the bill and amendments.

Seconded.

The main question was ordered.

Senator Upshaw's amendment was adopted by the following vote:

YEAS—17.

Abercrombie,	Kimbrough,
Armistead,	McDonald,
Burges,	Morris,
Burney,	Pope,
Claiborne,	Simkins,
Cranford,	Tyler,
Davis,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—10.

Allen,	Lane,
Atlee,	Maetze,
Field,	Sims,
Finley,	Stephens,
Frank,	Townsend.

ABSENT—2.

Glasscock, Harrison.

Senator Ingram's amendment was adopted by the following vote:

YEAS—14.

Abercrombie,	McDonald,
Armistead,	Morris,
Burges,	Pope,
Cranford,	Simkins,
Davis,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—13.

Allen,	Kimbrough,
Atlee,	Lane,
Burney,	Maetze,
Claiborne,	Sims,
Field,	Stephens,
Finley,	Townsend.
Frank,	

ABSENT—2.

Glasscock, Harrison.

Senator Armistead moved to reconsider the vote just taken, and to lay that motion on the table.

The motion to table was reconsidered by the following vote:

## YEAS—15.

Abercrombie,	McDonald,
Armistead,	Morris,
Burges,	Pope,
Burney,	Simkins,
Cranford,	Tyler,
Davis,	Upshaw,
Ingram,	Woodward.
Jarvis,	

## NAYS—12.

Allen,	Kimbrough,
Atlee,	Lane,
Claiborne,	Maetze,
Field,	Sims,
Finley,	Stephens.
Frank,	Townsend.

## ABSENT—2.

Glasscock,	Harrison.
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Senator Townsend offered the following resolution:

WHEREAS, Out of the many Senators and Representatives who are sketched in the St. Louis Republic, there is one subject whose name is not given, and that is the only possible means by which any of them can be recognized; and,

Whereas, The failure to give the name of this particular subject does the members of this body, as well as the aforesaid subject, great injustice; therefore, be it

*Resolved*, That a committee of three be appointed to investigate and report upon this grievance.

Senator Pope moved to

Amend the resolution by striking out three and insert one and that Senator Townsend be appointed the committee of one.

The resolution as amended was adopted.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House passed

Substitute House bills Nos. 222 and 223, a bill to be entitled "An act to

prohibit corporations from purchasing or acquiring any real estate within this State for speculating purposes, and to provide penalties for violating the same."

And

House bill No. 452, a bill to be entitled "An act to amend an act to establish and maintain a system of public free schools for the State of Texas, by adding thereto a new section, to be known as section 43b, providing for abolishing the office of county superintendent of public instruction, whenever the county commissioners' court of any county shall deem it advisable to do so."

W. M. IMBODEN,  
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—I am directed to inform the Senate that the House has passed

House bill No. 681, "An act to repeal chapter 57 of the acts of the Twelfth Legislature, approved April 11, 1871, entitled an act to incorporate the city of Groesbeeck in Limestone county," under a suspension of the constitutional rule.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

Senator Cranford sent up the following privileged report:

COMMITTEE ROOM,  
AUSTIN, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on State Affairs, to whom was referred

House bill No. 681, entitled "An act to repeal chapter 57 of the acts of the Twelfth Legislature, approved April 11, 1871, entitled an act to incorporate the city Groesbeeck, in Limestone county,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CRANFORD,  
Chairman.

Bill read first time.

On motion of Senator Simkins,  
House bill No. 681, a bill to be entitled "An act to repeal chapter 57 of the acts of the Twelfth Legislature, approved April 11, 1871, entitled an

act to incorporate the city of Groesbeek in Limestone county,"

Was taken up out of its regular order and laid before the Senate.

Senator Burney moved to adjourn till 10 o'clock to-morrow morning.

Lost.

On motion of Senator Simkins,

The constitutional rule was suspended to put the bill (House bill No. 682) on its second reading,

By the following vote:

#### YEAS—25.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Ingram,	Woodward.
Jarvis,	

#### NAYS—None.

#### ABSENT—4.

Burney,	Harrison,
Glasscock,	Upshaw.

The bill was read the second time and passed to its third reading.

On motion of Senator Simkins, the constitutional rule was further suspended to put the bill on its third reading and final passage by the following vote:

#### YEAS—25.

Abercrombie.	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Claiborne,	Pope,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Finley,	Townsend,
Frank,	Tyler,
Ingram,	Woodward.
Jarvis,	

#### NAYS—None.

#### ABSENT—4.

Burney,	Harrison,
Glasscock,	Upshaw,

The bill was read the third time and passed.

On motion of Senator Lane,

The Senate adjourned till 10 o'clock to-morrow morning.

### SEVENTIETH DAY.

SENATE CHAMBER,  
AUSTIN, April 4, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Upshaw,

The reading of the Journal of yesterday was dispensed with.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,  
AUSTIN, April 4, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—The House has passed

Substitute Senate bill No. 188, a bill to be entitled "An act to provide for the payment of the bonds of the State issued under an act of the Legislature, approved August 5, 1870,"

With House amendment.

W. M. IMBODEN,

Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,  
AUSTIN, Texas, April 3, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—The House has refused to concur in the Senate amendments to Substitute House bill No. 40, the land bill, and asks for free conference committee on the bill.

The House also refused to concur in Senate amendments to

House bill No 396, a bill to be entitled "An act to amend article 4520, title 91, chapter 1, of the Revised Civil Code of the State of Texas," and asks for free conference committee on the bill.

Messrs. Gresham, Mills, Whatley, Brown of Grayson, Clemens, Hamby, Hayes, Towles, Brown of Johnson and Rowland have been appointed on the part of the House on the free conference committee on

Substitute House bill No. 360, the general appropriation bill.